19.05.2022
Item No.35
Court No.6.
AB

C. O. No.604 of 2004
With
IA CAN 2 of 2018
(Old CAN 3898 of 2018)
IA CAN 3 of 2018
(Old CAN 3944 of 2018)

Md. Serajul Hoque
Vs
Md. Abdur Rajjak & Others

Mr. Subrata Ghosh....for the Petitioner.

The Civil Revisional Application being C. O. No.604 of 2004 was dismissed for default by an order dated June 14, 2007.

The petitioner took out a restoration application being CAN 5463 of 2008, which was dismissed for default on August 22, 2008.

On June 20, 2018, the petitioner took out an application being CAN 3898 of 2018 for recalling of the orders dated August 22, 2008 and June 14, 2007. He also took out an application on the same day for condonation of delay in filing CAN 3898 of 2018. The delay is of nine years and nine months.

From the application for condonation of delay, I find that the only ground that has been stated therein is that after dismissal of the restoration application, the petitioner was not getting any information as

regards his case. Accordingly, on February 8, 2018, i.e. almost ten years after the restoration application got dismissed for default, the petitioner wrote a letter to his learned Advocate. Not having received any reply from the learned Advocate, the petitioner made enquiries and came to know about the dismissal of the restoration application.

Normally the Courts are liberal in condoning delay provided some plausible explanation is given by the applicant. In the present case, the petitioner was aware that his civil revisional application stood dismissed for default on June 14, 2007. That is why he filed the restoration application being CAN 5463 of 2008. That application was dismissed for default on August 22, 2008. There is absolutely no explanation as to what steps the petitioner took between 2008 and 2018. A litigant, who shows no interest in the fate or progress of his litigation, does not deserve any sympathy.

I find absolutely no explanation for the delay of about nine years and nine months in applying for restoration of the restoration application and the civil revisional application.

Accordingly, the application for condonation of delay being CAN 3944 of 2018 is dismissed. Consequently, CAN 3898 of 2018 also stands dismissed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Arijit Banerjee, J.)